

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



LISTED BUILDING CONSENT

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1992

Correspondence Address:

Mr Matthew Stearn
Whitworth Co-partnership
Unit 12 Park Farm Business Centre
Fornham St.Genevieve
Bury St.Edmunds
IP286TS

Applicant:

Mr J Naughton
158 Kittywake Court
Stowmarket
Suffolk
IP14 5GS

Date Application Received: 18-May-23

Application Reference: DC/23/02347

Date Registered: 19-May-23

Proposal & Location of Development:

Application for Listed Building Consent - Internal and external alterations, renovations and form new dormer window as per Schedule of Works.

The Cottage, Upper Green, Felsham, IP30 0PL

Section A – Plans & Documents:

This decision refers to drawing no./entitled Existing Site Plan09 received 18/05/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Plans - Proposed 04C - Received 16/11/2023
Elevations - Proposed 05B - Received 16/11/2023
Bat Survey - Received 17/10/2023
Schedule Of Works - Received 16/11/2023
Heritage, Design and Access Statement - Received 16/11/2023
Plans - Existing 01 - Received 18/05/2023
Elevations - Existing 02 - Received 18/05/2023
Sectional Drawing 03 existing - Received 18/05/2023
Sectional Drawing 06 proposed - Received 18/05/2023
Fenestration Drawing 07 window details - Received 18/05/2023
Fenestration Drawing 08 door details - Received 18/05/2023
Existing Site Plan 09 +block plan - Received 18/05/2023
Proposed Site Plan 10 +block plan - Received 18/05/2023

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **LISTED BUILDING CONSENT HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT TIME LIMIT

The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The works hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this consent.

REASON: For the avoidance of doubt and in the interests of proper planning of the works.

3. PRIOR TO COMMENCEMENT: SECTIONAL DRAWINGS

Prior to commencement of works, notwithstanding the submitted details, sectional drawings of the proposed floor build up, including details of any insulation materials should be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To secure an orderly and well designed development sympathetic to the character of the Listed Building and in the interests of visual amenity and the character and appearance of the area.

4. ACTION REQUIRED IN SPECIFIC TIMETABLE: TIMBER FRAME AND INFILL REPAIR DETAILS

Following the removal of the existing render, a schedule of timber frame and infill repairs with supporting photographs and/ or scaled frame drawings shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To secure an orderly and well designed development sympathetic to the character of the Listed Building and in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED IN SPECIFIC TIMETABLE: INSULATION, RENDER BACKING MATERIALS AND RENDER DETAILS

Notwithstanding submitted details, following the timber frame and infill repairs, details of all proposed insulation, render backing materials and render shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Note: Sectional drawings of the proposed wall build up may be appropriate.

Reason: To secure an orderly and well designed development sympathetic to the character of the Listed Building and in the interests of visual amenity and the character and appearance of the area.

6. ACTION REQUIRED IN SPECIFIC TIMETABLE: MANUFACTURERS DETAILS OF ROOF MATERIALS

Prior to any works on the roof, manufacturers detail and example images of the proposed roof cladding materials to make up any gaps or shortfall in the roof shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To secure an orderly and well designed development sympathetic to the character of the Listed Building and in the interests of visual amenity and the character and appearance of the area.

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SECTIONAL DRAWINGS (INTERNAL DOORS)

Prior to installation, large scale elevational and sectional drawings of the new proposed internal doors shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

8. ACTION REQUIRED PRE COMMENCEMENT: BOUNDARY TREATMENTS

Prior to commencement of works, scaled elevational drawings and/ or manufacturers detail of all new boundary treatments shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To secure an orderly and well designed development sympathetic to the character of the Listed Building and in the interests of visual amenity and the character and appearance of the Conservation Area.

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: MECHANICAL VENTILATION AND EXTERNAL FLUES.

Prior to installation, manufacturers details and drawings as appropriate of all new mechanical ventilation and external flues shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To secure an orderly and well designed development sympathetic to the character of the Listed Building and in the interests of visual amenity and the character and appearance of the Conservation Area.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: RAINWATER GOODS

Prior to installation, manufacturers details and drawings as appropriate of all new rainwater goods shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To secure an orderly and well designed development sympathetic to the character of the Listed Building and in the interests of visual amenity and the character and appearance of the Conservation Area.

11. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SECTIONAL DRAWINGS (FENESTRATION)

Prior to installation, large scale elevational and sectional drawings, in addition to manufacturer's details, of all new proposed fenestration shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

12. ACTION REQUIRED PRE COMMENCEMENT: HARD SURFACING

Prior to commencement of any works, a scaled site plan and manufacturers details of all proposed hard surfacing shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

13. ACTION REQUIRED PRIOR TO COMMENCEMENT OF ANY WORKS: BAT LICENCE

Works (including demolition, clearing or alterations) to the listed building shall not in any circumstances commence unless the local planning authority has been provided with and agreed in writing, either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: Works within/to the listed building have the potential to impact the breeding/resting place of bats. To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

14. PRIOR TO COMMENCEMENT: GREAT CRESTED NEWT PRECAUTIONARY METHOD STATEMENT

Prior to commencement, a Non-Licensed Great Crested Newt Precautionary Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

15. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

Prior to works above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Roost and Emergence Survey, Pond Assessment, and Bat Mitigation Strategy (Robson Ecology Ltd., Oct. 2023) shall be submitted to and approved in writing by the local planning authority. It shall include:

- a) detailed designs of each recommended enhancement measure;
- b) locations of proposed enhancement measures by appropriate maps and plans;
- c) persons responsible for implementing the enhancement measures;
- d) details of initial aftercare and long-term maintenance (where relevant).

It is advised that bat boxes be installed at heights of around three metres, facing north/southeast/southwest, out of direct sunlight.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

16. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the recommendations of the Bat Roost and Emergence Survey, Pond Assessment, and Bat Mitigation Strategy (Robson Ecology Ltd., Oct. 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
SP03 - The sustainable location of new development
LP24 - Design and Residential Amenity
LP19 - The Historic Environment

NOTES:

1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. Listed Building Note

This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about

your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/23/02347

Signed: Philip Isbell

Dated: 1st December 2023

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

Babergh District Council

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